

CALIFORNIA STATE DEPARTMENT OF PUBLIC HEALTH

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GUY P. JONES
EDITOR

Strengthen Federal Food and Drugs Act

Twenty-seven years have passed since, through the courageous efforts of Dr. Harvey W. Wiley, a bill prohibiting the adulteration and misbranding of food and drugs became enacted in Congress. This law was amended in 1912 so as to bring within its provisions any statement which designated the product as a specific cure or recommended it as infallible, or made other extravagant claims.

Conditions have changed greatly since 1906 and the present law does not include many important provisions for safeguarding health and life. Cosmetics are on sale today which contain poisonous ingredients, such as hair dyes containing lead, reducing preparations and depilatories containing ingredients harmful to health, but because the labels of such products bear no medicinal claims for conditions recognized as disease they are not amenable to any existing law. Furthermore, the law does not cover fraudulent advertising over the radio, billboard and certain publications. The broadcasts of the type of statements which are prohibited on the package itself has almost nullified the activities of enforcement officers in their attempts to protect the public health.

There is urgent need for a revision of this law and Mr. Wendell Vincent, Chief of the Western District of the United States Food and Drug Administration, has prepared the following statement, which gives first-hand information relative to the provi-

sions of Senate Bill 1944, hearings upon which are scheduled to start December 7:

"Senator Copeland introduced in the last Congress a bill proposing a new food and drugs act designed to supplant the present food and drugs act of 1906. The present law is held in a measure obsolescent, in light of the changed conditions of 27 years. Committee hearings are scheduled to start December 7. The public should therefore be informed as to exactly what the new bill contemplates.

Briefly, the Copeland bill contemplates the expansion of the present food and drugs act to include cosmetics and to regulate the advertising of foods, drugs and cosmetics. No censorship of advertising is contemplated in advance of its use. False advertising shall be classed as illegal in the same way that false label statements are now held to constitute misbranding. It is not proposed that the advertising mediums, the newspapers, magazines or radio companies, will be held responsible for the material disseminated, but rather the parties who contracted for, or caused the dissemination of false advertisements. The determination of truth or falsity of the advertising must be measured essentially by the same standards as are today employed by all food and drug officials in the determining of truth or falsity of label statements now appearing upon foods and drugs.

In the consideration of a Federal statute, the fun-

damental limitations of authority imposed by the Constitution of the United States should be borne in mind. Federal control can not extend to foods, drugs or cosmetics which are not shipped outside of the State in which produced or manufactured; nor likewise to articles which after having been shipped in interstate commerce have become commingled with property of the State.

It must also be remembered that under the present law, or any similar law which may be enacted, the government must always be able to prove its case to the complete satisfaction of a court or jury in the event the government's position is to be sustained.

The public undoubtedly believes the present statute gives to them a greater assurance of protection of both health and pocketbook than is actually the case. For example, most people believe the present statute serves to preclude the manufacture, sale or shipment of foods that were not put up in a clean and sanitary manner. Such is not the case (except where State law and *enforcement* demands); but the proposed law defines as adulterated any food product 'if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.' It further gives the Secretary of Agriculture authority to require Federal license in the case of those establishments where conditions are found to be such as to endanger the public health if the food is distributed, and where the nature of the product is such that the public can not be adequately protected by sampling and analyzing the finished article after it reaches its destination. The present statute gives the government no authority to require that foods be put up in spotless plants and under rigidly sanitary surroundings; and such foods as are today put up under insanitary conditions can move in interstate commerce without molestation unless the government is able to prove by analyses of samples taken from shipments that the food is of itself filthy.

Undoubtedly, many people believe the sale of fake medicine is very largely prohibited. Such is not a fact. Many worthless nostrums with labels to which no legal objection can be voiced are enjoying a wide sale, made possible through the medium of untruthful advertising.

Fully informative labeling of foods and drugs is not at present required. False labeling is prohibited but nothing requires a manufacturer to state the whole truth as to what his product is. The Copeland bill requires foods to be labeled with their common names, and drugs to be labeled with the common name of each therapeutic or physiologically active ingredient. This is an expression of the right of the

consumer to know what he is eating, and what he is taking for his ills.

It is commonly believed that the present Federal food and drugs act precludes commerce in foods containing poisons. Such is not the fact. The present law contains no provisions against poisons in foods unless they are added. The Copeland bill prohibits the sale of dangerous foods regardless of whether the hazard is caused by added poisons or otherwise. At the present time the Federal government must introduce the testimony of expert toxicologists in every case where an action under this section of the law is instituted in order to show the quantity of added poison in the food may be harmful to health. The Copeland bill authorizes the secretary to require expert advice and then to fix a safe tolerance for added poisons. The Department of Agriculture feels that the Copeland bill retains all the valuable features of the present food and drugs act, and such additions as are made are for the purpose of meeting modern conditions with special provision for future contingencies. The department in summarizing as to why a new pure food law is needed, makes the following utterance:

'First of all, it brings cosmetics and curative devices of every description—from hair dyes to sun lamps and orthopedic shoes—under government control. It prohibits all false and misleading advertising of foods, drugs and cosmetics through any medium whatever. It requires that labels be not only truthful but definitely informative, so that the consumer may know what he is buying, whether or not it can possibly harm him, and just how he may use it with safety. Any other information necessary to protect his health or his purse can be required at the discretion of the secretary. The bill gives the Federal government authority to set up standards of quality and identity for all food products, and to establish safe tolerances for poisons in foods. If any food is subject to contamination in unsanitary factories, the government is empowered to put the manufacturer under a permit that will guarantee sanitary conditions and a wholesome product. To put a stop to false claims for medical drugs, it will be enough for the government to show in court that a drug is worthless for the purpose for which it is advertised without having to prove also, as the present law requires, that the manufacturer knows his product is of no value. More drastic penalties for violations, with injunctions against chronic offenders (who seem to regard the present light fines as no more than license fees) insure more faithful observance of the law and correspondingly greater protection for consumers.'

The Food and Drug Administration has prepared

a series of articles to illustrate important features of this new law and the special abuses which it is designed to correct. They will be sent to anyone free of charge on application to the Food and Drug Administration."

GENERAL HEALTH CONDITIONS DURING OCTOBER

Bacillary dysentery occupied a conspicuous position in morbidity reports. Groups of cases of this disease have occurred in the following counties: Colusa, Tehama, Solano, San Francisco, San Mateo, Los Angeles, Santa Barbara, San Luis Obispo, Lake and Butte. In addition, there have been groups of cases of severe diarrhoea which have not been classified because of inconclusive laboratory findings. The following diseases are more prevalent than usual for this season of the year: chickenpox, measles and mumps. Rabies in animals, scarlet fever, typhoid fever and whooping cough are also unusually prevalent. More cases of communicable diseases have been reported during October of this year than during the same month of the two preceding years.

DR. FOARD IN WEST VIRGINIA

Dr. Fred T. Foard of the United States Public Health Service has been detailed to assist the West Virginia State Health Department in the improvement of rural sanitary conditions in that State. Dr. Foard until recently had spent many years in California, where he had been engaged in the promotion of rural sanitation under the auspices of the United States Public Health Service. While in California, he resided in San Joaquin County and in Santa Barbara County.

SEWER FARM REGULATIONS OBSERVED

A survey was made recently of the use of sewage to irrigate crops in order to determine the degree of compliance with the new sewer farm regulations of the board. Out of 11 such places visited, all but two have made changes to meet the requirements of the new regulations.

Routine investigations were made of sewage disposal in 47 places, most of which are located in the San Joaquin Valley and in Southern California. A special study of the operations and design factors of sand filters was made, with an idea of extending their use as a finishing process in sewage disposal. An investigation of winery wastes, started this month, will be continued during December.

TUBERCULOSIS RATE AT LOWEST POINT

An average pulmonary tuberculosis death rate of 56.3 for each 100,000 population, the lowest figure on record, was achieved by fifty-nine American cities in 1932, Dr. Frederick L. Hoffman, consulting statistician, writes in *The Spectator*. In 1910 the rate was 174.4.

Dr. Hoffman's table showing the pulmonary tuberculosis death rates in fifty-nine cities, from 1910 to 1932, inclusive, follows:

Year	Population	Deaths	Death rate per 100,000
1910	20,728,952	36,157	174.4
1911	21,268,992	35,306	166.0
1912	21,799,058	34,196	156.0
1913	22,326,291	34,580	154.9
1914	22,951,753	35,722	156.3
1915	23,390,155	36,018	154.0
1916	23,929,530	35,498	148.3
1917	24,483,491	37,445	152.9
1918	24,984,619	38,639	154.7
1919	25,600,908	31,494	123.0
1920	26,064,364	28,278	108.5
1921	26,501,073	24,202	91.3
1922	26,959,848	24,160	89.6
1923	27,529,122	24,114	87.6
1924	28,303,161	25,684	83.7
1925	29,012,017	23,458	80.9
1926	29,589,464	23,990	81.1
1927	30,208,786	22,272	73.7
1928	31,277,388	22,896	73.2
1929	31,572,438	22,155	70.2
1930	32,006,715	21,298	66.5
1931	32,495,851	20,542	63.2
1932	33,044,067	18,615	56.3

Results of 29-Year Effort

"Progress in the reduction of the death-rate from tuberculosis continued during 1932 with gratifying results," Dr. Hoffman says. "It will be thirty years in 1934 since the National Tuberculosis Association was formed, having for its chief purpose the deliberate reduction of the tuberculosis death rate on the basis of comprehensive investigations as to causative factors and improvement in the diagnosis and treatment of the disease.

"The reduction since 1910 reflects in a large measure deliberate public health policies of the several States corresponding to similar reductions made in civilized countries the world over. In brief, while the population of our large cities has increased approximately more than 50 per cent during the last twenty-four years, the actual number of deaths from tuberculosis has been reduced about one-half.

"This result challenges the admiration of mankind and suggests even more determined efforts to bring the remainder of the mortality under control. But, regardless of the progress that has been made, the annual loss of life from pulmonary tuberculosis alone represents some 75,000 deaths, the further reduction of which will tax the ingenuity, the skill and the resources of the nation to the utmost."

PHYSICIANS' IMMUNIZATION CAMPAIGN

Health departments in Santa Clara County, including Palo Alto, San Jose and the Santa Clara County Health Department, have developed a cooperative plan which is proving successful in stimulating the immunization of children against diphtheria. Under this plan the three health departments are cooperating with the Public Health Committee of the Santa Clara County Medical Society in a physicians' diphtheria prevention campaign. Material for administration is provided without cost, the practising physicians of the county making a charge of \$1.00 for its administration. No fee is charged for immunizing children whose parents can not afford to pay for such service. Under this plan the physicians of the county enter into a partnership agreement with the health departments, to the mutual advantage of physicians, health officers and the general public.

"We are not only better pleased with the approbation of a wise man than with that of a fool, but receive an additional satisfaction from the former, when it is obtained after a long and intimate acquaintance."
—David Hume, Treatise on Human Nature.

MORBIDITY***Diphtheria**

39 cases of diphtheria have been reported, as follows: Oakland 1, San Leandro 1, Kings County 3, Los Angeles County 3, El Monte 1, Long Beach 1, Los Angeles 19, Monrovia 1, Gardena 2, Merced County 1, San Diego 2, San Francisco 2, Palo Alto 1, San Jose 1.

Chickenpox

399 cases of chickenpox have been reported. Those communities reporting 10 or more cases are as follows: Alameda 10, Oakland 33, Fresno 11, Los Angeles County 12, Glendale 17, Los Angeles 37, Sacramento 23, San Benito County 13, San Diego County 15, San Francisco 55, San Joaquin County 15, Stockton 25, Oxnard 15.

Measles

126 cases of measles have been reported. Those communities reporting 10 or more cases are as follows: Oakland 50, Sacramento 13, San Diego 38.

Scarlet Fever

248 cases of scarlet fever have been reported. Those communities reporting 10 or more cases are as follows:

Los Angeles County 33, Los Angeles 69, San Diego 13, San Francisco 11, Stockton 11.

Whooping Cough

288 cases of whooping cough have been reported. Those communities reporting 10 or more cases are as follows: Berkeley 16, Oakland 50, Kern County 11, Los Angeles County 11, Long Beach 12, Los Angeles 71, San Francisco 27.

Smallpox

18 cases of smallpox have been reported, as follows: Merced 1, Fullerton 17.

Typhoid Fever

18 cases of typhoid fever have been reported, as follows: Kern County 3, Los Angeles County 1, Beverly Hills 1, Gardena 1, Merced County 1, Riverside County 1, San Francisco 2, San Joaquin County 1, Santa Barbara County 2, Stanislaus County 5.

Meningitis (Epidemic)

3 cases of epidemic meningitis have been reported, as follows: Los Angeles 2, San Luis Obispo County 1.

Leprosy

One case of leprosy from Los Angeles County has been reported.

Poliomyelitis

4 cases of poliomyelitis have been reported, as follows: Brea 1, Fullerton 2, Riverside 1.

Encephalitis (Epidemic)

One case of epidemic encephalitis from Alameda County has been reported.

Trichinosis

One case of trichinosis from Sacramento has been reported.

Food Poisoning

2 cases of food poisoning from Inglewood have been reported.

Undulant Fever

One case of undulant fever from San Francisco has been reported.

* From reports received on November 27th and 28th for week ending November 25th.